WASHINGTON REALTORS®

November 20, 2023

Washington State Building Code Council
906 Columbia Street SW
Olympia, WA. 98504-2525
Emailed to sbcc@des.wa.gov

RE: Proposed Amendments to Codes

Dear Council Members:

On behalf of the Washington REALTORS®, we ask for reconsideration of one proposal for the 2021 Washington Energy Codes. We are concerned with the change in the scope of buildings covered by the 2021 Washington Energy Conservation Code-Residential (WESC-R) and transferring a set of the multifamily buildings to the Washington Energy Conservation Code-Commercial. We request the State Building Code Council take the necessary steps to restore the scope of covered buildings as adopted in the 2018 WESC-R code and the IECC-R.

Scope/Definition Change:

Our state is in a serious housing crisis. The structures to be transferred to the Commercial Energy Code include Missing Middle housing types which the Legislature passed during the 2023 Session to address this crisis. Washington REALTORS® does not believe there is solid rationale for the change in scope. Thus, for the following reasons we believe these low, three-story buildings, should remain under the WESC-R code:

1. The International Code Council process did not result in a change to the types of buildings covered by the 2021 nor the 2024 International Energy Conservation Code-Residential that the State Building Code Council will be reviewing in the next couple of years.

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2021 IECC-Residential (Definition):
"Residential Building. For this code, includes detached one-and two- family dwellings and townhouses as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane."

2024 IECC-Residential (based on draft language):
"R101.2 Scope (Not subject to public input). This code applies to the design and construction of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) and Group R-2, R-3, and R-4 buildings three stories or less in height above grade plane."

The 2018 WESC-R and the draft of the 2021 WESC-R kept the same scope and definition of buildings covered by the WSEC-R as the IECC scope and definitions noted above.

2. The rationale for "one code" to apply to most multifamily housing types is not logical. For years, developers, building officials and inspectors, and code consultants have trained and understood the energy code requirements for residential and commercial multifamily buildings.

3. As noted, the ICC process did not include a change in scope or definition for the 2021 or the 2024 energy codes. The ICC process is the appropriate venue to discuss and carefully consider scope amendments. That California recently adopted one multifamily code should not be the reason for similar changes to Washington's code.

4. A developer may choose the commercial energy code for a building complex consisting of multiple buildings of different heights, with some over three stories, and meet requirements for multifamily buildings in the commercial energy code. The proponent's revised economic information suggests a "cost saving" or a "small cost impact and greater energy efficiency." However, there was no analysis to prove this assertion. It would be helpful for PNNL to model the energy savings and the costs for these multifamily buildings by using prototype models.

5. Moving these buildings under the 2021 WSEC-C will increase the cost to build. For example, solar requirements for a building with 15,000+ SF of conditioned space would result in a cost of $30,000 (.5 watts per SF of conditioned space; 7500 watts of solar

divided by 400-watt panels would equal 19 panels for a 12-unit building). Solar is optional in the residential energy code. While this may not seem like much money, it is a component of costs in the commercial code that will be passed onto building tenants.

6. Double loaded corridor buildings, where units are accessed from the interior of the building, are energy efficient. Most units have one cold wall with corner units having two cold walls. These buildings are more energy efficient than units accessed from the exterior such as the woody walkup. The use of electric resistance heat enables these buildings to be energy efficient and this heat source should be an option in the 2021 code. As a bonus, this type of building also offers tenants more security since there are two or three locked entrances.

7. The energy efficiency of the 2021 WSEC-R already offers significant improvement as noted in the opening pages of the cost-benefit analysis. The double loaded corridor building is among the residential buildings covered by the residential energy code. There should be no reason to move this building type to the commercial energy code.

8. A double loaded corridor building constructed under the 2021 residential code using electric resistance heat is already very energy efficient, a safer building type for tenants, and provides communities with an affordable Missing Middle housing type per HB 1110.

For the above reasons, we ask the State Building Code Council to keep the scope and definitions of buildings in the 2021 WSEC-R the same as provided in the 2018 WSEC-R and not move the selected multifamily buildings to the WSEC-C.

Thank you for your time and consideration of our request.

Sincerely,

Jeanette M. McKague

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Assistant Director of Housing & Community Development
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